

Appl. No. 09/876,359
Atty Docket No. CM2381
Response dated July 2, 2004
Reply to Office Action dated April 2, 2004

REMARKS

Claims 1-19 are now in the case.

Applicants have amended independent claims 1 and 13 to remove previously added limitations regarding the form of the first and second compositions. Claims 1 and 13 have also been amended to add the limitation that a surfactant is used in the process. Support for this amendment is found, at least, on page 16, lines 22-32 of Applicants' specification.

Applicant has added new claims 14-19. Support for these amendments is found, at least, on page 24, lines 10-32 of Applicants' specification.

Response to the Office Action

The Rejection under 35 U.S.C. 112, first paragraph

Claims 1-13 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the following phrase in claims 1 and 13 has been objected to: "wherein the liquid of such a solid/liquid combination comprises water and at least one additional ingredient that contributes to heat generation." In response, Applicants have amended claims 1 and 13 to remove the phrase. Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. 112, first paragraph has been overcome.

The Rejection under 35 U.S.C. 112, second paragraph

Claims 5, 7, 11 and 12 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 5, 7 and 12 have been rejected because they recite compositions where the second composition may consist of water, which was inconsistent with the limitations of claim 1. In response, Applicants have amended claim 1 to remove the limitation "wherein the liquid of such a solid/liquid combination comprises water and at least one additional ingredient that contributes to heat generation." Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. 112, second paragraph has been overcome.

Claim 11 has been rejected as being redundant with the limitations of claim 1. Applicants contend that the present amendments to claim 1 have eliminated this redundancy with claim 11. Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. 112, second paragraph has been overcome.

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The Rejection under 35 U.S.C. 103(a) over Wei et al.

Claims 1-13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wei et al. (U.S. Patent 6,245,729). Applicants respectfully traverse this rejection. The reference does not establish a *prima facie* case of obviousness since it does not teach or suggest all of Applicants' claim limitations. Specifically, Wei et al. do not teach or suggest using a surfactant in their sanitizing solution. In addition, one skilled in the art would not be motivated to include additional components in a composition used for sanitizing medical instruments and food (see Col. 4, lines 4-7). Since Wei et al. do not teach or suggest using surfactants in their patent, a *prima facie* case of obviousness has not been established. As a result, Applicants contend that their claimed process is novel and unobvious and that the rejection under 35 U.S.C. 103(a) should be withdrawn.

The Rejection under 35 U.S.C. 103(a) over Calton and Billman in view of Menkart et al.

Claims 1-4, 7 and 9-13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Calton (U.S. Patent 6,068,665) and Billman (U.S. Patent 5,534,167) in view of Menkart et al. (3,250,680). Applicants respectfully traverse this rejection. The references do not establish a *prima facie* case of obviousness since one skilled in the art would not be motivated to combine the references as suggested in the Office Action. Specifically, one skilled in the art would not be motivated to combine the composition of Billman, which leaves a coating on fibers upon drying, with the zeolites of Calton, which are to be removed from fibers after drying. Therefore, a *prima facie* case of obviousness has not been established.

One skilled in the art would not be motivated to combine Calton with Billman. The zeolite/imide mixture of Calton is removed from the carpet after drying (see the examples and Col. 3, lines 57-59). Presumably, this is done to remove the zeolite particles. Billman's composition, on the other hand, is clearly intended to remain on the carpet upon drying. Billman requires the presence of a material "which forms a water and oil repellent surface upon drying" (see Col. 3, lines 9-12). Therefore, Billman's composition is intended to form a protective film on the carpet fibers upon drying.

One skilled in the art would not combine these compositions since the critical feature of one would defeat the critical feature of the other. Calton uses zeolites to absorb stains and then removes the particles. Billman applies a liquid to the carpet that, upon drying, forms a protective film. If the compositions were combined as suggested, there are two possible outcomes. In one outcome, the film produced by Billman's composition would prevent removal of the zeolite particles. Alternatively, the protective film would be absorbed by the zeolite particles or removed with the zeolite particles. Therefore, one skilled in the art would not look to the leave-on

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composition of Billman for improvements to the "apply and remove" composition of Calton. Applicants respectfully contend that a *prima facie* case of obviousness has not been established.

It is submitted that Claims 1-19 are in condition for allowance. Early and favorable action on all claims is therefore requested.

If the next action is other than to allow the claims, the favor of a telephonic interview is requested with the undersigned representative.

Respectfully submitted,
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